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Davis & Kuelthau, s.c.

ATTORNEYS AT LAW

111 East Kilbourn Ave., Suite 1400
Milwaukee, WI 53202-6613
Direct Dial: (414) 225-1452
Direct Fax: (414) 278-3652
Email: jheino@dkattorneys.com

November 5, 2004

VIA FACSIMILE

United States Patent and Trademark Office
Attn: Ms. Gena Jones
Office of Legal Administration

Re: U.S. Pat. No. 10/604,954 and 10/604,956

Dear Ms. Jones:

Per your telephone conversations with my legal assistant on November 4, 2004, attached is a copy of the Request for Refund Pursuant to 35 U.S.C. §42 which was filed December 4, 2003, and the United States Patent and Trademark Office acknowledgment of the filing of this Request for 10/604,954.

I also understand that you asked that we list all of the duplicate applications that we wish to be reimbursed. The applications are as follows:

10/604,949	10/604,952
10/604,950	10/604,954
10/604,951	

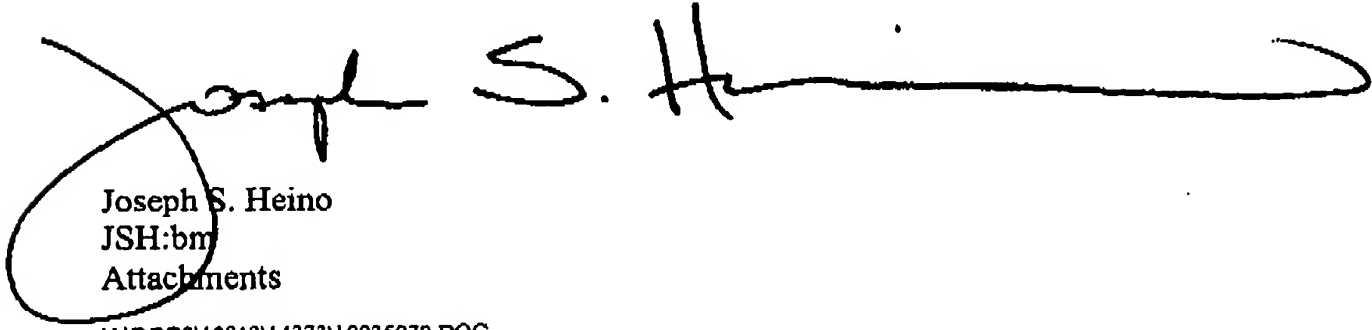
As the fees for these applications were drawn on General Electric Deposit Account 070845, we do not have access to know if any monies have as yet been refunded regarding these five applications. We only have permission to designate the account when filing a General Electric patent application.

You also asked that we make a specific distinction as to which one of the duplicate applications we would wish to have prosecuted. That application would be 10/604,956.

If you have any further questions, please do not hesitate to contact us.

Best Regards,

Davis & Kuelthau, s.c.



Joseph S. Heino
JSH:bm
Attachments

N:\DOCS\12812\14373\10025970.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REFUNDS BRANCH

In re application number:
10/604,954

Filed: August 28, 2003

For: METHOD FOR TUBE SPIT CORRECTION BASED ON HIGH VOLTAGE
OUTPUT

Inventors: Jiang Hsieh, et al.

Attorney Docket No. 12812.14373

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Fax (703) 308-5077

REQUEST FOR REFUND PURSUANT TO 35 U.S.C. §42

On August 28, 2003 an administrative assistant, Barbara Majewski, under the supervision of Joseph S. Heino, Reg. No. 31,524, attempted to file an application using the Electronic Filing System (EFS). Upon submission, she received an Acknowledgement and Receipt form that contained several blanks. Having been through the process several times, Ms. Majewski recognized that the form was incomplete and immediately suspected a problem with the submission. In addition to not listing the documents submitted, the form she received was missing information

such as the application number, the title of the invention, the attorney's docket number and the digital certificate holder's name. Additionally, the Acknowledgment and Receipt form listed the total file size as zero bytes, indicating to her that no files had been transmitted.¹ Under the mistaken impression that no application had been submitted, Ms. Majewski attempted to resubmit the application. Upon resubmission, she received yet another Acknowledgment and Receipt form that was missing the same information. She resubmitted the application a total of four more times. Each time she submitted the application, she received an Acknowledgment and Receipt form missing the same information.

At some point, Ms. Majewski contacted the Electronic Business Center, specifically a Marti Winslow, who indicated that there had been a problem with the Electronic Filing System (EFS). Mr. Winslow also indicated that he had selected Application Serial No. 10/604,956 to be the surviving application and that, due to the problem with the EFS, the application fees for each of the other applications would be refunded. Unfortunately, the applicant never received a refund and now has started to receive the Office Filing Receipts for these applications. At this time the applicant would like to abandon application number serial number **10/604,954**.

Prosecution of sixth application, Serial No. 10/604,956 will be continued.

Based on the foregoing, counsel believes that the applicant is entitled to a refund of \$1,006.00 for the application fee for Application Serial No. **10/604,954**. Therefore, the applicant respectfully requests a refund pursuant to of the application fees to be credited to Deposit Account No. 070845, which is held by General Electric.

¹ A copy of the Acknowledgment and Receipt form is attached hereto as Exhibit A.

Dated this 4th day of December, 2003.

Respectfully submitted,

By 

Joseph S. Heino

Reg. No. 31,524

DAVIS & KUELTHAU, s.c.

111 E. Kilbourn Ave., Ste. 1400

Milwaukee, WI 53202-1633

414.225.1452



UNITED STATES PATENT AND TRADEMARK OFFICE

December 5, 2003

JOSEPH S. HEINO, ESQ.
111 E. KILBOURN AVENUE
SUITE 1400
MILWAUKEE, WI 53202-1633
US

Dear Sir/Madam,

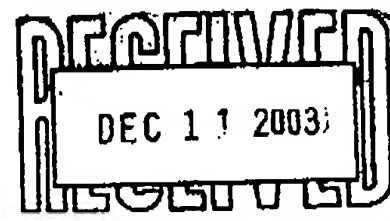
This is to Acknowledge receipt of your refund request in the amount of \$1,006.00 for patent/serial number 10604954.

Your request has been forwarded to Technical Center Others for review and processing.

To inquire about the status of your refund request, please call 703 306-3338.

Thank you,

Refund Section, Office of Finance



TRANSMISSION VERIFICATION REPORT

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DATE, TIME	11/05 17:11
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PAGE(S)	00
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MODE	STANDARD

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BUSY: BUSY/NO RESPONSE

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MODE	STANDARD

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